

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NETASHA SHAW

VS.

REVOLUTION FOODS, INC.

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CIVIL ACTION NO. 1:19-CV-71

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1441 and 1446, Revolution Foods, Inc., Defendant in Cause No. D-1-GN-18-007697, in the 250th District Court of Travis County, Texas, serves this Notice of Removal from that court to the United States District Court for the Western District of Texas, Austin Division, on the basis of diversity jurisdiction. The notice is based on the following grounds:

A. DIVERSITY OF CITIZENSHIP:

1. Both at the time the lawsuit was filed, and at the time of removal, Plaintiff was and remains a citizen of the State of Texas.

2. Both at the time the lawsuit was filed, and at the time of removal, Defendant Revolution Foods, Inc. is a foreign for-profit company that was incorporated in Delaware with its principal place of business in Oakland, California.

3. This is a civil action. The *Original Petition* filed in the State court, a true copy of which is filed herewith, alleges personal injury claim resulting from allegedly improperly stacked crates, based on diversity jurisdiction.

4. The amount in controversy exceeds \$75,000. According to Plaintiff's Petition, the amount sought is between \$200,000 and \$1,000,000.

5. By virtue of diversity of citizenship and the amount in controversy the United States district courts have original jurisdiction over this case under 28 U.S.C. §1332, and removal jurisdiction under 28 U.S.C. §1441(a).

6. The original petition in Cause No. D-1-GN-18-007697 in the 250th District Court of Travis County, Texas, was served on Defendant on January 2, 2019, less than 30 days before the filing of this *Notice of Removal*, and this *Notice of Removal* is being filed within one year of the date suit was first filed in state court.

B. GENERAL STATEMENTS:

1. Under 28 U.S.C. §1446(a), venue is proper in this district and division as the county in which the state court lawsuit is pending is within this Court's district and division.

2. Simultaneously with the filing of this notice of removal, Defendant is filing two copies of all process, pleadings and orders served upon it in the state court.

3. A copy of this notice is also concurrently being filed with the state court and served upon opposing counsel.

4. Accordingly, Defendant hereby removes this case to the United States District Court for the Western District of Texas, Austin Division, for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Darrell S. Cockcroft
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on January 31, 2019, a copy of the foregoing document was sent to all counsel of record for Plaintiff Texas Rules of Civil Procedure:

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/s/ Darrell S. Cockcroft
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